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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,285	08/14/2000	Bernard A. Traversat	5181-42900	1202

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EXAMINER	
DUONG, OANH L	
ART UNIT	**PAPER NUMBER**
2155	4

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/638,285	TRAVERSAT ET AL.	
	Examiner	Art Unit	
	Oanh L. Duong	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 11/18/2003 have been fully considered but they are not persuasive.

In response to applicants' argument that Shimizu does not teach a failover server implemented on said client computer, wherein said failover server is configured to provide network environment functionality if said remote network server unit is not available; and a software manager stored in said client storage device, wherein said software manager is configured to connect to said remote network server unit if said remote network server unit is available or to connect to said failover server if said remote network server unit is not available and to configure said network environment to appear to a user as though said client computer system is connected to said remote network server unit when said client computer system is connected to said failover server. Examiner respectively disagrees because Shimizu does teach this feature. For example, Shimizu teaches a failover server implemented on said client computer (a client computer 12 operates upon downloading all programs and data necessary for data processing from a server) (col. 4 lines 17-21), wherein said failover server is configured to provide network environment functionality if said remote network server unit is not available (by using the programs and data stored in the local storage, the client computer 12 can operate without connecting to the server 11) (col. 4 lines 29-41); and a software manager stored in said client storage device, wherein said software manager is configured to connect to said remote network server unit if said remote network server unit is available or to connect to said failover server if said remote

network server unit is not available (e.g., see col. 2 lines 57-60 and col. 4 lines 56-61) and to configure said network environment to appear to a user as though said client computer system is connected to said remote network server unit when said client computer system is connected to said failover server (col. 4 line 64-col. 5 line 12).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 9-12, 18 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimizu (US 6,175,918 B1).

Regarding claim 1, Shimizu teaches a computer system (e.g., see fig. 1), comprising a client storage device (e.g., see col. 4 lines 33-43); a processor configured to execute software instructions (e.g., see col. 4 lines 33-42); a network interface configured for connecting said computer system to a remote network server unit, wherein said remote network server unit is configured to provide a file for initializing and configuring a network environment on said client computer system (e.g., see col. 4 lines 17-25); fail-over server implemented on said client computer system, wherein said fail-over server is configured to provide network environment functionality if said remote network server unit is not available (e.g., see col. col. 2 lines 44-47 and col. 4 lines 34-40); and software manager stored in said client storage device, wherein said software manager is configured to connect to said remote network server unit if said server unit is available or to connect to said fail-over server if said remote network server unit is not available (e.g., see col. 2 lines 57-60 and col. 4 lines 56-61) and configure said network environment to appear to a user as though said client computer system is connected to

said remote network server unit when said client computer system is connected to said fail-over server (col. 4 line64-col. 5 line 12).

Regarding claim 9, Shimizu teaches a network computer system (e.g., see fig. 1), comprising a remote network server unit configured to maintain a file on a remote storage device and to provide said file for initializing and configuring a network environment on a client computer system (e.g., see col. 4 lines 29-32); a client storage device (e.g., see col. 4 lines 33-43); a processor configured to execute software instructions (e.g., see col. 4 lines 33-42); a network interface configured for connecting said computer system to a remote network server unit, wherein said remote network server unit is configured to provide a file for initializing and configuring a network environment on said client computer system (e.g., see col. 4 lines 17-25); fail-over server implemented on said client computer system, wherein said fail-over server is configured to provide network environment functionality if said remote network server unit is not available (e.g., see col. col. 2lines 44-47 and col. 4 lines 34-40); and software manager stored in said client storage device, wherein said software manager is configured to connect to said remote network server unit if said server unit is available or to connect to said fail-over server if said remote network server unit is not available and configure said network environment to appear to a user as though said client computer system is connected to said remote network server unit when said client computer system is connected to said fail-over server (e.g., see col. 2 lines 57-60 and col. 4 lines 56-61).

Regarding claim 18, Shimizu teaches method for operating a network computer system including a remote network server unit and a client computer system (e.g., see fig. 1), said method comprising determining whether said remote network server unit is connected to said client computer system (e.g., see col. 2 lines 57-65); if remote network server unit is not connected to said client computer system, then said client computer system connecting to a fail-over server implemented on said client computer system and using file stored on a client storage device to initialize and to configure a network environment for said client computer system (e.g., see col. 4 line 55-col. 6 line 17); if said remote network server unit is connected to said client computer system, then using a copy of an operating system from file stored on client storage device to initialize computer system and using a network database file located on the remote network server unit to configure network environment for said client computer system (e.g., see col. 16 lines 21-22 and lines 48-67).

Regarding claims 2, 10 and 20, Shimizu teaches said file comprises a copy of an operating system, a copy of client boot configuration files, and a copy of network database file for configuration network environment for client computer system if remote network server unit is not available (e.g., see col. 4 line 64-col. 5 lines6).

Regarding claims 3, 11 and 21, Shimizu teaches copy of application software (e.g., see col. 4 lines 64-67).

Regarding claims 4, 12, Shimizu teaches operating from copy of an operating system, which is stored on client storage device (e.g. see col. 2 lines 44-47 and cols. 4-5 lines 64-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 5-8, 13-17, 19 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Fujiwara (US 6,301,710 B1).

Regarding claims 5, 13 and 22, Shimizu teaches updating by matching file between a server and a local storage of client computer and receiving an updated copy (see col. 2 lines 20-27, col. 6 line 63-col. 64 line 22). Shimizu does not explicitly teach using version number for comparison. However, Fujiwara teaches comparing a first group of version numbers associated with files within client file located on client computer system with a second group of version numbers associated with files within a second group of version numbers associated with files located on remote server unit (e.g., see col. 2 lines 49-54 and col. 10 lines 7-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the version number in an analogous system of Shimizu as taught by Fujiwara because the version number would provide an identical identification characteristics of the file thereby avoiding duplicated copy to be downloaded and enhancing performance of software installation (Fujiwara, col. 2 lines 20-23).

Regarding claims 14 and 23, Shimizu teaches update server is configured to update file stored on the client storage (e.g., see col. 6 line 63-col. 7 line 16).

Regarding claims 8, 16 and 25, Shimizu teaches a heartbeat thread, which monitors a connection to said remote network server unit (e.g., see col. 2 lines 57-65 and col. 6 line 63-col. 7 line 16).

Regarding claim 19, Shimizu teaches in response to reboot command, client computer system receiving an operating system from remote network server unit to initialize the client computer system and using network database file located on remote network server unit to configure network environment for the client computer system if remote network server unit is connected to client computer system (e.g., see col. 7 line 54-col. 8 line 13 and col. 9 lines 26-55).

4. Claims 5-8, 13-17, 19 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Fujiwara (US 6,301,710 B1) in further view of Novak et al (Novak) (US 2003/0037020 A1).

Regarding claims 6-7, 15, 17, 24, and 26, the combination of teachings of Shimizu and Fujiwara does not teach updating the file based upon a change log However, Novak teaches updating the file based upon the change log (Novak et al, e.g. see page 3 paragraphs 27-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the change log in the combination of teachings of Shimizu and Fujiwara as taught by Novak because the change log provide information regarding records which have been operated upon

the database subsequent to updating. Thus the updating process may be performed more rapidly (Novak, page 1 paragraph 6).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
February 2, 2004

Patrice Winder

PATRICE WINDER
PRIMARY EXAMINER